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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,381	09/26/2003	Yong Cheol Park	0465-1055P	2746
2292 7590 08/30/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER CHOW, LIXI	
			ART UNIT 2627	PAPER NUMBER
			NOTIFICATION DATE 08/30/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/670,381

Applicant(s)

PARK ET AL.

Examiner

Lixi Chow

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-28, 31, 32, 34, 36-38 and 41-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-28, 31, 32, 34, 36-38 and 41-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 25-28, 31, 32, 34, 36, 37, 41, 42, 44 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al. (US 6,564,345; hereafter Kim).

Regarding claim 25:

Kim discloses a method for managing a defective area of a recording medium having a data area, a lead-in area and a lead-out area, the method comprising:

detecting a defective unit during reproducing or recording operation (see col. 2, line 49 to col. 4, line 3);

recording the data of the defective unit in a replacement unit (see col. 3. lines 12-17); and

recording defect management information in a defect management area, the defect management information including locator information, the locator information indicating positions of the defective unit and the replacement unit (see col. 3 lines 7-17 and col. 3, lines 43-46) and,

wherein the defect management area includes a first part and a second part (see Fig. 1, PDL corresponds to the first part and SDL corresponds to the second part), the first part is used to record therein defect management information generated during a recording operation (see

col. 2, line 49 and col. 3, lines 7-17) and the second part is used to record therein defect management information generated during a reproducing operation (see col. 3, lines 31-46, also see col. 8, lines 40-56).

Regarding claim 26:

Kim discloses the method as claimed in claim 25, further comprising:

recording an access pointer in the defect management area, the access pointer indicating position of the defect management information (see Fig. 1 and Tables 1-3).

Regarding claim 27:

Kim discloses the method as claimed in claim 26, wherein the first and the second parts of the defect management area are assigned in the lead-in area respectively (see Fig. 1).

Regarding claim 28:

Kim discloses the method as claimed in claim 27, wherein the replacement unit is included in a spare area, and the spare area is assigned in the data area (see Fig. 1, area CDB0 is a replacement area that is included in the spare area, which is assigned in the data area).

Regarding claims 31, 32 and 34:

Claims 31, 32 and 34 recite similar limitations as in claims 25-28; hence, claims 31, 32 and 34 are rejected under the same reason set forth in claims 25-28.

Regarding claim 36:

Kim discloses a recording medium comprising:

a data area including a spare area, the spare area including a replacement area (see Fig.1);

a lead-in area (see Fig. 1); and

a defect management area (see Fig. 1, DMA0 or DMA1), the defect management area including a first part and a second part (PDL corresponds to the first part and SDL corresponds to the second part),

wherein the first part is used to record therein defect management information generated during a recording operation (see col. 2, line 49 and col. 3, lines 7-17), and the second part is used to record therein defect management information generated during a reproducing operation (see col. 3, lines 31-46, also see col. 8, lines 40-56).

Regarding claim 37:

Kim discloses the recording medium as claimed in claim 36, wherein the second part of the defect management area is assigned in the lead-in area (see Fig. 1, SDL is assigned in the lead-in area), and the first part and the second part of the defect management area are assigned separately (PDL and SDL are assigned separately).

Regarding claims 41, 42, 44 and 45:

Claims 41, 42, 44 and 45 recite similar limitations as in claims 25 and 27; hence, claims 41, 42, 44 and 45 are rejected under the same reasons set forth in claims 25 and 27.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 38, 43 and 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Takahashi (US 7,002,882).

Regarding claim 38:

Kim discloses all the features claimed in claim 36; however, Kim fails to disclose second part of the defect management area is assigned in the data area. On the other hand, Takahashi discloses an optical recording medium comprising defect management area, wherein a portion of the defect management area is assigned in the data area, and the portion of the defect management area includes at least one sub defect management area (see 6, lines 61-64; spare area is included in the data area).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the recording medium of Kim such that the second part of the defect management area is assigned in the data area. Since Takahashi teaches that it is possible to assign a portion of a defect management area in the data area of the recording medium, and it is advantageous to have such arrangement, i.e., the reliability of data stored in the DMA can be maintained without any multiple write of the DMA, one of ordinary skill in the art would have been motivated to carry out the modification of the recording medium.

Regarding claim 43:

Kim discloses all the features claimed in claim 41 and Kim further discloses the first part of the defect management area is assigned in the lead-in area (see Fig. 1: PDL is assigned in the lead-in area). However, Kim fails to disclose the second part of the defect management area is assigned in the spare area. On the other hand, Takahashi discloses an optical recording medium comprising defect management area, wherein a portion of the defect management area is assigned in the spare area (see 6, lines 61-64).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the recording medium of Kim such that the second part of the defect management area is assigned in the spare area. Since Takahashi teaches that it is possible to assign a portion of a defect management area in the spare area of the recording medium, and it is advantageous to have such arrangement, i.e., the reliability of data stored in the DMA can be maintained without any multiple write of the DMA, one of ordinary skill in the art would have been motivated to carry out the modification of the recording medium.

Regarding claim 46:

Claim 46 recites similar limitations as in claim 43; hence, it is rejected under the same reason set forth in claim 43.

Regarding claim 47:

Kim discloses all the features claimed in claim 25; however, Kim fails to disclose the first and second parts area assigned in the data area. On the other hand, Takahashi discloses an optical recording medium comprising defect management area, wherein the defect management area is assigned in the data area (see 6, lines 61-64).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the recording medium of Kim such that the first part and the second part of the defect management area are assigned in the data area. Since Takahashi teaches that it is possible to assign a defect management area in the data area of the recording medium, and it is advantageous to have such arrangement, i.e., the reliability of data stored in the DMA can be maintained without any multiple write of the DMA, one of ordinary skill in the art would have been motivated to carry out the modification of the recording medium.

Regarding claims 48-51:

Claims 48-51 is rejected under the same reason set forth in claim 47.

Response to Arguments

5. Applicant's arguments with respect to claims 25, 31, 36, 41 and 44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

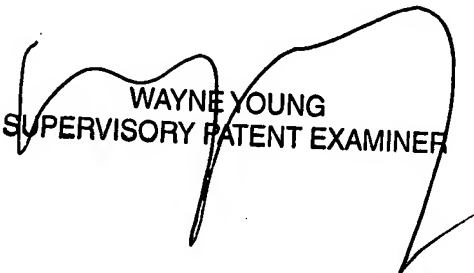
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lixi Chow whose telephone number is 571-272-7571. The examiner can normally be reached on Mon-Fri, 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LC 8/24/07


WAYNE YOUNG
SUPERVISORY PATENT EXAMINER